

Tennessee Board of Chiropractic Minutes

Date: February 28, 2006

Time: 9:00 A. M.CST

Location: Tennessee Room
Ground Floor, Cordell Hull Building
Nashville, TN 37247

Board Members

Present: Barry Kelton, D.C., Chair
Michael Massey, D.C.
Craig Ratcliff, D.C.
Andrea Selby, D.C.
Debe Williams, D.C.
Sheila Fitzgerald, Citizen Member

Board Members

Absent: Linda Kindrick, Citizen Member

Staff

Present: Sherry Owens, Board Administrator
Robbie Bell, Director
Bob Kraemer, Advisory Attorney
Jerry Kosten, Rules Coordinator
Barbara Maxwell, Administrative Director

Dr. Selby, chair, called the meeting to order at 9:00 a.m. A sufficient number of Board members were present to constitute a quorum.

Review Minutes

Upon review of the November 10, 2005 Board meeting minutes, Dr. Williams made a motion, seconded by Dr. Massey, to approve the minutes as written. The motion carried.

Investigative Report

Ms. Phelps reviewed the investigative report stating of the twenty-three (23) complaints against chiropractors ten (10) were closed with no action and three (3) were closed with letters of concern leaving ten (10) open complaints.

Ms. Phelps stated there were no complaints against chiropractic x-ray technicians or chiropractic therapy assistants.

Disciplinary Report

Ms. Phelps stated she is monitoring three (3) chiropractors and one (1) chiropractic therapy assistant. Ms. Phelps said if the practitioners do not comply with the stipulation of their discipline they would come back before the Board as a contested case hearing.

Financial Report

Ms. Owens stated the financial report indicates the Board has a cumulative carryover of \$65,458.69.

Administrative Report

Ms. Owens said there are 921 active licensed chiropractic physicians, 90 active licensed chiropractic x-ray technicians and 343 active licensed chiropractic therapy assistants.

Ms. Owens stated between November 1, 2005 and February 17, 2006 eighteen (18) chiropractic examiners, one (1) chiropractic x-ray operators and three (3) chiropractic therapy assistants renewed their licenses online.

Presentation from Mike Harkreader, Tennessee Professional Assistance Program (TPAP)

Mr. Harkreader stated their peer assistance program deals mainly with substance abuse problem and boundaries issues. Mr. Harkreader stated TPAP is a confidential monitoring center not a treatment center and practitioners can enroll in the program without the Board's knowledge.

Mr. Harkreader said he attends Board meetings for the Boards they contract with to give quarterly reports, sponsor booths at conferences and conduct presentations at schools. Mr. Harkreader said they have contracts with EMS, Medical Laboratory, Nursing, Occupational Therapy, Physical Therapy, Physician Assistants and Respiratory Therapists. Mr. Harkreader said the contract cost is \$16,000 annually.

The Board thanked Mr. Harkreader for his presentation and said they would contact him if they had any questions regarding the program.

Contested case hearing for Roger Byrd, D.C.

Mr. Sykes stated the case hearing for Dr. Byrd has been continued.

Report from Bob Kraemer, Advisory Attorney

Mr. Kraemer introduced Ernest Sykes the new advisory attorney for the Chiropractic Board.

Mr. Kraemer stated rules pertaining to costs, continuing education, x-ray amendments, criminal background checks, acupuncture fees, clinical acupuncture, stays, reconsiderations and CPLLC are in the Attorney General's office for review.

Mr. Kramer said there are three (3) open disciplinary cases pertaining to the Board in the Office of General Counsel.

Review and approve continuing education courses

Dr. Williams made a motion, seconded by Dr. Kelton, to accept the following continuing education courses:

The Doctor of the Future Seminar

By Dr. Stuart White
February 18-19, 2006
Nashville, TN

Clinical Application & Neurology of the Vertebral Subluxation Complex

By Dr. Lisa Bloom
February 11-12, 2006
Memphis, TN

Myokinesthetic System

By Dr. Michael Uriarte
July 21-22, 2006
Knoxville, TN

Systematize Your Practice: The Key to Revolutionizing Healthcare

By Dr. Mark L. Sanna
June 23, 2006
Wilmington, NC

***Lumbar Spine Symposium**

By Drs. Richard Cole, Bethany Spiller, Jennifer Jacobson, Ron Boesch, Robert Duke, Bruce Fox, Maurice Smith, Roger Cicala, Jeff Luebbe, Alan James, Allen Goode and Craig Thomas.

February 18-19, 2006
Memphis, TN

*Course cancelled.

The motion carried.

Report from Jerry Kosten, Rules Coordinator

Mr. Kosten stated he conducted a rulemaking hearing February 2, 2006 to amend Rule 0260-2-.12 which prohibits courses that pertain to the promotion and growth and business

management of a chiropractic practice for continuing education and Rule 0260-2-.25 pertaining to patient records.

Upon review, Dr. Williams made a motion, seconded by Dr. Massey, to adopt the amendment as written. A roll call vote was conducted and all members voted in the affirmative.

Mr. Kosten presented a rule amendment to Rule 0260-3-.04 which requires Certified X-ray Technicians to complete the forty-eight (48) hour course and 1040 hours of clinical internship and successfully pass the examination prior to applying for certification.

Upon review, Dr. Williams made a motion, seconded by Dr. Kelton, to adopt the rule as amended. The motion carried.

Mr. Kosten said the rulemaking hearing will be held April 26, 2006.

Discuss Telemarketing

Dr. Kelton said he had a patient in his office who was repeatedly contacted by a telemarketer even though the patient told the telemarketer he had a chiropractor.

Ms. Owens said she received a call from a chiropractor who insisted flyers and postcards were not considered telemarketing.

Mr. Kramer said a practitioner who solicits services to someone within twenty-four (24) hours after an accident can be prosecuted.

Discuss policy statement on out-of-state chiropractors adjusting attendees of continuing education seminars in Tennessee

Ms. Owens stated she received a letter from Dr. Curtis McEntire regarding non-Tennessee licensed chiropractors performing CMT at continuing education seminars in Tennessee. The Board discussed out-of-state chiropractors adjusting at continuing education seminars in Tennessee.

Mr. Kramer said the law states you cannot practice chiropractic in Tennessee without a license and if an out-of-state chiropractor is performing CMT on continuing education attendees they are in violation of the law.

Mr. Kosten said the medical Board has a single purpose license to use for special occasions.

Mr. Kraemer suggested legislation to exempt chiropractors coming in from another state to give a seminar from obtaining a license.

Ms. Stevens, Tennessee Chiropractic Association, offered to have their committee look at that issue and come up with legislation to address out of state chiropractors giving seminars in Tennessee without a license.

The Board agreed to have the TOA committee come up with legislation addressing that issue.

Review Correspondence

The Board reviewed a letter from Richard Totty, D.C. and Allison Totty, C.T.A. requesting a waiver of the 2005 continuing education and fees.

Upon discussion, Dr. Williams made a motion, seconded by Dr. Massey, to waive the continuing education requirements and fees for Dr. Totty and Ms. Totty for 2005. The motion carried.

Review application files for licensure and letters of request

Upon review of the chiropractic physician application for **Jessica Briere, D. C.**, Ms. Fitzgerald made a motion, seconded by Dr. Massey, to have Dr. Bureau submit a course outline from the University of Quebec for review and approval by Dr. Selby provided the school is accredited by the Council on Chiropractic Education. The motion carried.

Upon review of the chiropractic physician application for **Kevin Gocha, D.C.**, Dr. Williams made a motion, seconded by Ms. Fitzgerald, to approve Dr. Gocha for licensure. The motion carried.

Upon review of the chiropractic physician application for **Jared Hathaway, D.C.**, Dr. Williams made a motion, seconded by Ms. Fitzgerald, to approve Dr. Hathaway for licensure. The motion carried.

Ratify chiropractic physicians, chiropractic x-ray technicians and chiropractic therapy assistants for licensure

Dr. Williams made a motion, seconded by Dr. Kelton, to ratify the following chiropractic physicians, chiropractic x-ray technicians and chiropractic therapy assistants for licensure:

Chiropractic Physicians

Larry D. Adair
Allison Lee Bomar
Nicole Coffman-Cole
Rosemary Diamond
David J. Dunham

**Otis Brandon Forrester
Michael John Froyd
Mark William Hawkins
Elisabeth N. Hickok
Marissa Holmes
Ryan Wayne House
Adam Walter Hughes
Patrick John Kelly
Felton R. Kent
Morris B. Bille
Steve C. Kim
Reya Lee
James S. Lillard, II
Michael Plambeck
Tracy W. Richardson
Jenny R. Scheitel
Quinn Wright Uzelman
Mark A. Wyatt**

Chiropractic Therapy Assistants

**Nathan Ross Bushman
Nancy Coomes
Stacy Cox
Laci Lynn Crabtree
Staci Fry
Kara Marissa Glover
Christina Hapner
Janna C. Hudson
Christina L. Humphrey
Melanie Charae Jones
Erin M. Metz
Shonda Seals**

Chiropractic X-Ray Technician

**Ashley N. Hensley
Sheri L. Johnson
Amy Leigh Murley
Joe D. Pryor**

The motion carried.

Discuss other Board business

Dr. Selby stated the National Board of Chiropractic Examiners (NBCE) has asked the Board to have a Board representative assist them with testing.

Dr. Massey said the Board has also been asked to appoint a National Board voting delegate.

Mr. Sykes said he looked forward to working with the Board.

With no other Board business to conduct, Dr. Williams made a motion, seconded by Dr. Ratcliff, to adjourn the Board meeting at 10:48 a.m. The motion carried.

Ratified by the Tennessee Board of Chiropractic Examiners on May 11, 2006.